

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RONALD BEAMAN,

Plaintiff,

vs.

No. CIV-10-0625 LH/LAM

MONARCH RECOVERY MANAGEMENT  
INC., et al.,

Defendants.

**ORDER GRANTING IN PART DEFENDANTS' MOTION TO STAY DISCOVERY  
(Doc. 17) AND AMENDED MOTION TO STAY DISCOVERY (Doc. 28)**

**THIS MATTER** is before the Court on *Defendants' Motion to Stay Discovery (Doc. 17)* and *Amended Motion to Stay Discovery (Doc. 28)*.<sup>1</sup> Plaintiff filed his response (*Doc. 21*) on November 3, 2010, and Defendants filed their reply (*Doc. 25*) on November 15, 2010. The Court held a telephonic hearing on the motion on November 18, 2010, at which counsel for both parties appeared. *Clerk's Minutes (Doc. 30)*. Having considered the parties' submissions, the parties' statements at the hearing, and the relevant law, the Court **FINDS** that *Defendants' Motion to Stay Discovery (Doc. 17)* and *Defendants' Amended Motion to Stay Discovery (Doc. 28)* shall be **GRANTED in part** and **DENIED in part**.

**IT IS THEREFORE ORDERED** that *Defendants' Motion to Stay Discovery (Doc. 17)* and *Defendants' Amended Motion to Stay Discovery (Doc. 28)* are **GRANTED in part** and **DENIED in part** as follows:

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<sup>1</sup>*Defendants' Motion to Stay Discovery (Doc. 17)*, filed October 20, 2010, did not include Exhibit A. On November 17, 2010, Defendants filed *Defendants' Amended Motion to Stay Discovery (Doc. 28)* which is identical to the Motion to Stay except that it includes Exhibit A.

1. Defendants are not required to respond to Plaintiff's pending requests for production and interrogatories;
2. Plaintiff may file ten (10) new requests for production and ten (10) new interrogatories, *limited to the issues raised in Defendants' Motion for Summary Judgment and in Plaintiff's Amended Complaint*, by **Wednesday, December 8, 2010**;
3. Defendants shall respond to Plaintiff's pending requests for admission by **Friday, December 3, 2010**;
4. Plaintiff may take the deposition of Diane Mazzacano, whose affidavit is cited in Defendants' Motion for Summary Judgment,<sup>2</sup> or the individual who may prepare the affidavit for any possible amended motion for summary judgment; and
5. The Court will set a new Rule 16 scheduling conference when Defendants' Motion for Summary Judgment and possible amended motion for summary judgment are ruled on, if there are any issues remaining in this case.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>2</sup>The Court notes that Defendants cite to Ms. Mezzacano's affidavit in *Defendants' Motion for Summary Judgment and Memorandum of Points and Authorities* (Doc. 11) at 2, and indicate that it is attached as Exhibit A, however the affidavit is not attached to the motion.